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Studio Legale Corapi, ROME  
van Cussem-Wittamer-Marnet & Partners, BRUSSELS

*Attorneys at Law*

28 Liberty Street, 39th Floor • New York, NY 10005 • [www.clausen.com](http://www.clausen.com)  
Tel: 212.805.3900 • Fax: 212.805.3939

**Harvey R. Herman, Esq.**  
Direct Line: (312) 606-7451  
E-Mail: [hherman@clausen.com](mailto:hherman@clausen.com)

March 7, 2024

**VIA ECF**

Magistrate Judge Victoria Reznik  
United States District Court for the Southern District of New York  
The Honorable Charles L. Brieant Jr. Federal Building and United States Courthouse  
300 Quarropas Street, Courtroom 420  
White Plains, NY 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management, Ltd., et al.*  
Civil Action No: 7:13-cv-09239-CS

Dear Judge Reznick:

This letter is written in accordance with the Court Order of March 1, 2024. The Defendant parties are to provide insurance information or objections to the production of insurance information by March 7, 2024. We represent the following Defendants:

- 1) About, Inc. d/b/a About.com; 2) Alliance Reservation Network d/b/a Reservetravel.com; 3) Bookit.com, Inc.; 4) Expedia, Inc. d/b/a Expedia.com; 5) Fareportal, Inc. d/b/a Cheapoair.com; 6) Farebuzz d/b/a Farebuzz.com; 7) Frommer Media d/b/a Frommers.com; 8) Getaroom.com d/b/a Getaroom.com; 9) Hotels.com GP LLC d/b/a Hotels.com d/b/a Travelnow.com; 10) Hotelsbyme d/b/a Hotelsbyme.com; 11) Lexyl Travel Technologies d/b/a Hotelplanner.com; 12) Esteban Oliverez d/b/a Insanelycheapflights.com; 13) JetBlue Airways Corporation d/b/a JetBlue.com; 14) Kayak Software Corporation d/b/a Kayak.com; 15) Lonely Planet Global, Inc. d/b/a Lonelyplanet.com; 16) Metro Travel Guide d/b/a Metrotravelguide.com; 17) Netadvantage.com d/b/a IHSAdvantage.com; 18) Reservation Counter d/b/a Reservationcounter.com; 19) Pegasus Solutions, Inc.; 20) Random House d/b/a Fodors.com; 21) This Exit, LLC d/b/a Roadside merica.com; 22) Travelocity.com d/b/a Travelocity.com; 23) Tripadvisor, LLC d/b/a Tripadvisor.com; 24) United Airlines, Inc. d/b/a Hotels.United.com; 25) Gogobot, Inc. d/b/a



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gogobot.com; 26) Qantas Airways Ltd.; 27) WK Travel, Inc.;  
 28) AOL, Inc.; (29; Travelzoo, Inc.; 30) Charles Kessler  
 Associates, Inc.; 31) United Airlines, Inc. Successor-In-Interest to  
 Continental Airlines, Inc.; 32) Swiss International Air Lines, LTD;  
 and 33) VFM Leonardo, Inc. (“The Defendants”).<sup>1</sup>

In accordance with the Court Order, we have undertaken efforts to obtain the Defendants’ respective insurance policy information, if any. The Defendants, as set forth above, are indemnitees (per terms and conditions of tender acceptance letters) of Defendant VFM Leonardo, Inc. (“VFM”) based on certain contractual undertakings. The insurer for VFM is Berkley Canada (Policy Number BC 9000160)(“Policy”) which is a Canadian insurance company. We have a copy of the Policy which we are producing to all counsel in this matter. The claims representative for this Policy has been away and, we are currently not able to produce any reservations of rights information to the extent it exists. We are continuing to follow up with Berkely Canada to obtain any such reservations of rights letters, if any. In addition, due to the passage of over ten years, companies have changed employees and outside counsels making it difficult for us to ascertain if our other thirty-two clients have their own personal insurance policies that may also respond to the claims in this action. Thus, we are actively undertaking efforts to contact each of the other individual Defendants to determine if they have insurance responsive to the claims in this action. We will keep the Plaintiff and the Court advised of these efforts. This explanation provides what we have been able to do since the Court’s order of March 1. If the Court requires more information we will respond to the Court’s directives. We thank the Court for its attention to these matters.

Very truly yours,

By: /s/ Harvey R. Herman

Harvey R. Herman

HRH:jar

cc: All counsel of record via ECF

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<sup>1</sup> We note that Kayak is also represented by co-counsel at the Morgan Lewis firm and they will respond to the Court Order on behalf of Kayak.